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10 UNITED STATES BANKRUPTCY COURT
11 DISTRICT OF OREGON

12 In re

13 Van's Aircraft, Inc.,

14 Debtor.
15

Case No. 23-62260-dwh11

**DEBTOR'S MOTION FOR ENTRY OF
ORDER (I) CLOSING CASE AND
(II) TERMINATING BMC GROUP,
INC. AS DEBTOR'S NOTICING AND
CLAIMS AGENT**

16 **NOTICE OF MOTION**

17 If you oppose the relief sought in this Motion, you must file a written objection with the
18 Bankruptcy Court no later than **14 days** after the filed date of this Motion. If you do not file an
19 objection, the Court may grant the Motion without further notice or hearing. Your objection
20 must set forth the specific grounds for objection and your relation to the case. The objection
21 must be received by the Clerk of Court at 1050 SW 6th Ave. #700, Portland, Oregon 97204, by
22 the deadline specified above or it may not be considered. You must also serve the objection on
23 Timothy J. Conway, Tonkon Torp LLP, 1300 SW 5th Ave., Suite 2400, Portland, OR 97201,
24 (telephone number 503-802-2027) within that same time. If the Court sets a hearing, you will
25 receive a separate notice listing the hearing date, time, and other relevant information.
26

MOTION

Van's Aircraft, Inc. ("Debtor") hereby moves this Court for an order closing this bankruptcy case and terminating BMC Group, Inc.

RELEVANT FACTS

1. On December 4, 2023 ("Petition Date"), Debtor filed its voluntary petition for relief under Chapter 11 of Title 11 of the United States Code.

2. The Court entered its Order Confirming Debtor's Plan of Reorganization Pursuant to 11 U.S.C. § 1191(b) on May 16, 2024 [ECF No. 143] ("Confirmation Order" or the "Plan").

3. The Plan has been substantially consummated.

4. All objections to Claims have been resolved.

5. Debtor has made all payments owing on account of Administrative Expense Claims¹ and Priority Tax Claims pursuant to the Plan.

6. Debtor has made all payments owing on account of Allowed Class 1, Class 3, Class 4, and Class 6 Claims.

7. Debtor has complied with all its obligations with respect to Class 7, in accordance with the Plan.

8. Debtor has made all Class 2 monthly installment payments since entry of the Confirmation Order and continues to make such payments in accordance with Plan.

9. On or around June 13, 2025, Debtor paid each holder of an Allowed Class 5 General Unsecured Claim its Pro Rata share of \$860,000, in accordance with Section 6.5 of the Plan. Pursuant to the Plan, Debtor will make two more pro rata payments to holders of Allowed Class 5 General Unsecured Claims as follows: (a) Debtor will pay each holder of an Allowed Class 5 General Unsecured Claim its Pro Rata share of \$570,000 on or before June 15, 2026, and

¹ Capitalized terms used but not defined herein have the meaning ascribed to such terms in the Confirmed Plan.

(b) Debtor will pay each holder of an Allowed Class 5 General Unsecured Claim its Pro Rata share of \$1,320,000 on or before June 15, 2027.

10. Because the Plan has been substantially consummated; because Debtor has fully satisfied its obligations with respect to Administrative Expense Claims, Priority Tax Claims, and Allowed Class 1, Class 3, Class 4, Class 6, and Class 7 Claims; and because Debtor has made and continues to make all payments required with respect to Class 2 and Class 5 Claims, it is unduly burdensome and administratively inefficient for the case to remain open and there is no benefit to keeping the case open.

11. Therefore, for the reasons set forth herein, good cause exists to grant the Motion and close the case.

**DEBTOR REQUESTS THE TERMINATION OF
BMC GROUP, INC. AS NOTICING AND CLAIMS AGENT**

12. Debtor also moves for an order authorizing the termination of services provided by BMC Group, Inc. ("BMC") as claims and noticing agent. Pursuant to the Court's Order Authorizing Debtor to Employ BMC Group, Inc. as Debtor's Noticing and Claims Agent [ECF No. 36], BMC was engaged to assist Debtor and the Clerk's Office with, among other tasks, the administration of notices in the case, as well as the creation and maintenance of a dedicated website with easy access to pleadings and information for the benefit of all parties-in-interest. As set forth above, Debtor's Plan was confirmed and all proofs of claims filed in this case that needed to be administered have now been administered. As a result, the services provided by BMC as noticing and claims agent are no longer necessary in this case and Debtor can no longer justify the cost of BMC's retention. To minimize expense to the estate, Debtor seeks an order (a) terminating BMC's services, (b) releasing BMC as noticing and claims agent in the case, and (c) instructing BMC to facilitate the transfer of documents and records as provided in the Order.

1 WHEREFORE, Debtor respectfully requests that the Court enter an Order substantially in
2 the form attached hereto as **Exhibit 1**.

3 DATED: June 24, 2025.

4 TONKON TORP LLP

5 By /s/ Timothy J. Conway

6 Timothy J. Conway, OSB No. 851752

7 Michael W. Fletcher, OSB No. 010448

8 Ava Schoen, OSB No. 044072

9 Attorneys for Debtor

EXHIBIT 1

Proposed Form of Order

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Van's Aircraft, Inc.,

Debtor.

Case No. 23-62260-dwh11

**ORDER GRANTING DEBTOR'S
MOTION FOR ENTRY OF ORDER
(I) CLOSING CASE AND
(II) TERMINATING BMC GROUP,
INC. AS DEBTOR'S NOTICING AND
CLAIMS AGENT**

THIS MATTER having come before the Court upon Debtor's Motion for Entry of Order (I) Closing Case, and (II) Terminating BMC Group, Inc. as Debtor's Noticing and Claims Agent ("Motion") [ECF No. ____] and the Court being duly advised in the premises and finding good cause; now, therefore;

IT IS HEREBY ORDERED that:

1. The Motion is GRANTED.
2. This case is closed effective the date of this Order.
3. BMC's services as claims and noticing agent are TERMINATED effective as of the entry of this Order;

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4. BMC shall prepare a final claims register in the format acceptable to the Clerk's Office and Debtor's counsel;
5. BMC shall submit a declaration or verified statement to the Clerk's Office stating that the claims register is a complete and accurate record of all claims filed in the case;
6. BMC shall box and transport all claims to the Clerk's Office, or provide record of all claims in a digital format acceptable to the Clerk's Office;
7. BMC shall facilitate the transfer of Debtor's documents and records, in digital format, including digital copies of all claims, to counsel for Debtor; and
8. The above services to be rendered by BMC shall be charged to Debtor's estate.

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I certify that I have complied with the requirements of LBR 9021-1(a).

Presented by:

TONKON TORP LLP

By /s/ Timothy J. Conway

Timothy J. Conway, OSB No. 851752
Michael W. Fletcher, OSB No. 010448
Ava Schoen, OSB No. 044072
888 SW Fifth Avenue, Suite 1600
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Facsimile: (503) 274-8779
Email: tim.conway@tonkon.com
Attorneys for Debtor

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DEBTOR'S MOTION FOR ENTRY OF ORDER (I) CLOSING CASE AND (II) TERMINATING BMC GROUP, INC. AS DEBTOR'S NOTICING AND CLAIMS AGENT** was served on Debtor and the parties indicated as "ECF" on the attached List of Interested Parties by electronic means through the Court's Case Management/Electronic Case File system on the date set forth below.

In addition, the parties indicated as "Non-ECF" on the attached List of Interested Parties were served by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to each party's last-known address, and depositing in the U.S. mail at Portland, Oregon on the date set forth below.

DATED: June 24, 2025.

TONKON TORP LLP

By /s/ Timothy J. Conway

Timothy J. Conway, OSB No. 851752
Michael W. Fletcher, OSB No. 010448
Ava Schoen, OSB No. 044072
Attorneys for Debtor

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